

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-25 are pending, Claims 1, 6, 10, 15, 19 and 22 are amended by way of the present amendment. No new matter is added.

In the outstanding Office Action, Claims 1-25 were rejected under 35 U.S.C. §103(a) as unpatentable over Kato et al. (U.S. Patent No. 6,301,663, herein Kato) in view of Katoh (U.S. Patent Pub. No. 2002/0073037) and in further view of Kaplan ("IBM Cryptolopes, Superdistribution and Digital Writes Management", hereinafter "Kaplan").

Turning now to the rejection under 35 U.S.C. § 103(a), Applicants respectfully traverse the rejection of Claims 1-25 over Kato, Katoh and Kaplan.

Claim 1 recites, in part,

obtaining a unique recording medium ID corresponding
to the recording medium;
generating independent write identification information
for every recording operation performed on the digital data;
encrypting data identification information of the digital
data and data control information by the use of the write
identification information and encrypting the write
identification information by use of the recording medium ID;
and
recording at least the encrypted data identification
information and data control information to the recording
medium.

Although of differing class and/or scope, independent Claims 6, 10, 15, 19 and 22 recite similar features with regard to the recording medium ID.

Kato describes a system for preventing unauthorized copies of multimedia data. Further, Kato describes that Disk keys encrypted by master keys are recorded to a DVD.¹

¹ Kato, col. 6, lines 20-24.

The outstanding Action states on page 3 that “[t]he Disc key further corresponds to the medium ID since the key identifies the disk in that it is a key belonging to the disk.” However, amended Claim 1 recites that the recording medium ID is unique and corresponds to the recording medium. Thus, while the Disk key described in Kato is a set of master encryption keys merely recorded to a disc and otherwise unrelated to the disc, the recording medium ID recited in Claim 1 is a value that is unique and corresponds to the specific recording medium in question.

In addition, as acknowledged by the outstanding Action on page 3, lines 14-15, Kato does not describe or suggest encrypting the write identification information which is generated for every recording operation performed on the digital data, *by use of the recording medium ID*.

Katoh describes a system of controlling copy generations of digital data. However, as acknowledged in the outstanding Office Action on page 4, lines 6-7, Katoh does not describe or suggest encrypting the write identification information which is generated for every recording operation performed on the digital data, *by use of the recording medium ID*.

Kaplan describes fingerprinting or watermarking a document when it is created to identify the source of the document. Further, Kaplan describes that, when the user “buys” a document, a new fingerprint or watermark is added to the document as it is decrypted to identify the purchaser. At creation is the only time that a fingerprint or watermark is added to a document in Kaplan.

However, Kaplan makes no mention of encrypting the write identification information which is generated for every recording operation performed on the digital data, *by use of the recording medium ID*.

Although, the outstanding Action does not assert that the Kaplan describes encrypting the write identification information *by use of the recording medium ID* in reference to

Claims 1, 6 and 10,² the outstanding Action does state on page 6 in reference to Claims 15, 19 and 22 that “[t]he master key corresponds to the recording medium id. The master key is obtained from the clearing center...The identification information is encrypted using the recording medium ID.” However, Applicants respectfully traverse these assertions.

Specifically, the master key described in Kaplan in no way is equivalent to the unique recording medium ID that corresponds to the recording medium, recited in Claim 1. Clearly the “master key” described in Kaplan is not described as corresponding to a particular recording medium. Therefore, the “master key” of Kaplan cannot be cited as describing the recording medium ID recited in amended Claim 1.

Therefore, no matter how Kato, Katoh and Kaplan are combined (assuming arguendo these references can be properly combined), the combination does not teach or suggest the features of amended independent Claim 1, and therefore Claim 1 and claims depending therefrom patentably distinguish over Kato, Katoh and Kaplan, considered alone or in combination.

Although of differing class and/or scope, it is respectfully submitted that independent Claims 6, 10, 15, 19 and 22 and claims depending therefrom also patentably define over the asserted references for at least the reasons discussed above with regard to amended Claim 1.

² See outstanding Office Action, page 4, lines 9-16.

Consequently, in light of the above discussion it is respectfully submitted that Claims 1-25 patentably define over the asserted prior art. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted,

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